

**United States Court of Appeals**  
**FOR THE EIGHTH CIRCUIT**

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No. 00-1140

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Margaret Gulley,

Appellant,

v.

Firestone Building Products,

Appellee.

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\* Appeal from the United States

\* District Court for the

\* Western District of Arkansas.

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[UNPUBLISHED]

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Submitted: September 28, 2000

Filed: October 3, 2000

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Before McMILLIAN, BOWMAN, and MORRIS SHEPPARD ARNOLD, Circuit  
Judges.

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PER CURIAM.

Margaret Gulley appeals the District Court's<sup>1</sup> adverse grant of summary judgment in her Title VII case against her former employer, Firestone Building Products, a wholly owned subsidiary of Bridgestone Corporation ("Bridgestone"). Gulley alleged that Bridgestone discriminated against her based on her sex by denying a pay raise in March 1998 and terminating her in April 1998. After de novo review of the record, and consideration of the parties' arguments on appeal, we agree with the

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<sup>1</sup>The Honorable Harry F. Barnes, United States District Judge for the Western District of Arkansas.

District Court that Gulley failed to show that Bridgestone's legitimate, non-discriminatory reasons for denying her a raise and terminating her--poor performance, and refusal to adjust her behavior after counseling and reprimands --were a pretext for sex discrimination. See Rose-Maston v. NME Hospitals, Inc., 133 F.3d 1104, 1108 (8th Cir. 1998) (holding that a plaintiff could "prove pretext either directly by showing that her employer was more likely motivated by a discriminatory reason or indirectly by showing that her employer's explanation is unworthy of credence"). In particular, the evidence she offered was conclusory and failed to show that similarly situated male supervisors were treated more favorably. See Harvey v. Anheuser-Busch, Inc., 38 F.3d 968, 972 (8th Cir. 1994) (holding that when a pretext argument is based on comparisons of employees, the plaintiff must show that the employees are "'similarly situated in all relevant aspects'"). Gulley's remaining arguments are raised for the first time on appeal and are therefore inappropriate for review. See Dorothy J. v. Little Rock Sch. Dist., 7 F.3d 729, 734 (8th Cir. 1993) ("[W]e do not consider arguments raised for the first time on appeal.").

Accordingly, we affirm. See 8th Cir. R. 47B.

McMILLIAN, Circuit Judge, dissenting.

A true copy.

Attest:

CLERK, U.S. COURT OF APPEALS, EIGHTH CIRCUIT.